

111th Congress
1st Session

H. RES. _____

Providing for consideration of the bill (H.R. 1145) to implement a National Water Research and Development Initiative, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

April 22, 2009

Mr. Arcuri, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed.

RESOLUTION

Providing for consideration of the bill (H.R. 1145) to implement a National Water Research and Development Initiative, and for other purposes.

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1145) to implement a National Water Research and Development Initiative, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Providing for consideration of the bill (H.R. 1145) to implement a National Water Research and Development Initiative, and for other purposes.

April 22, 2009.--Referred to the House Calendar and ordered to be printed

Mr. Arcuri, from the Committee on Rules,
Submitted the following

REPORT

[To accompany H. Res. ____]

The Committee on Rules, having had under consideration House Resolution ____, by a non-record vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1145, the "National Water Research and Development Initiative Act of 2009," under a structured rule. The resolution provides for one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology.

The resolution waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Science and Technology shall be considered as an original bill for the purpose of further amendment. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment are waived except those arising under clause 10 of rule XXI. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).

The resolution makes in order only those amendments printed in this report. Each such amendment may be offered only in the order printed, may be offered only by a Member designated, shall be considered as read, shall be debatable for the time specified equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment or demand for division of the question. The resolution waives all points of order against such amendments except those arising under clause 9 or 10 of rule XXI. Finally, the resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The waiver of all points of order against the bill's consideration (except those arising under clause 9 or 10 of rule XXI) includes a waiver of clause 4(a) of rule XIII (requiring a three-day layover of a committee report). Although the rule waives all points of order against the committee amendment in the nature of a substitute (except those arising under clause 10 of rule XXI), the Committee is not aware of any points of order. The waiver of points of order against the committee amendment in the nature of a substitute is prophylactic.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 59

Date: April 22, 2009

Measure: H.R. 1145

Motion By: Mr. Dreier

Summary of Motion: To make in order and provide appropriate waivers for the following amendments, to be separately considered, each debatable for 10 minutes equally divided: (1) Rep. Hastings, Doc (WA), #13, which would add to interagency committee duties an identification of agency barriers to new water storage; (2) Rep. Hastings, Doc (WA), #15, which would add to the water research and development plan improvement of hydropower generation technology to increase generation efficiency; (3) Rep. Linder, John (GA), #40, which would create a commission to develop a comprehensive water strategy to address America's long-term water needs. The commission is to be composed of nine members to be appointed by the President, the House Speaker, and the Senate Majority Leader; (4) Rep. Miller, Candice (MI), #30, which would prohibit consideration or promotion of policies that would undermine or interfere with the principles of the Great Lakes—St. Lawrence River Basin Water Resources Compact (Public Law 110-342); and (5) Rep. Roskam, Peter (IL), #36, which would strike the bill's authorization of funds. It also would terminate the provisions of the Act if the OMB Director determines that the Act has resulted in an increase in the expenditures of any Federal agency participating in the interagency committee.

Results: Defeated 2-7

Vote by Member:

MCGOVERN	NAY
HASTINGS	
MATSUI	
CARDOZA	NAY
ARCURI	NAY
PERLMUTTER	NAY
PINGREE	NAY
POLIS	NAY
DREIER	YEA
DIAZ-BALART	
SESSIONS	
FOXX	YEA
SLAUGHTER	NAY

SUMMARY OF AMENDMENTS TO BE MADE IN ORDER

- 1. Gordon (TN)** Would require that the National Water Research Development Plan specified in the bill be revised and resubmitted to Congress every 4 years after its initial submission. Also, it would authorize appropriations of \$2 million for each of fiscal years 2013 and 2014. It also would (1) require review of measures related to abating water quality impairment, (2) require the committee to work with institutions of higher education, (3) require cooperation with commercial end users, (4) require relevant information be posted on a public website, and (5) require research into watershed hydrology. It would require that the plan include a focus on the (1) development of the effect of invasive species on water supplies, (2) development of technologies to treat eutrophic water bodies, (3) development of a program to assist state and local regions regarding land conservation, (4) improvement of understanding of chemical impairments to water supply and quality, and (5) identification of whether a need exists for additional water research facilities. It requires the Director of the Office of Science and Technology Policy to write to Congress and evaluate the budget as it relates to water research. It expresses the sense of Congress that the interagency committee should collaborate with public institutions of higher education. It requires the EPA to establish a pilot program exploring the use of energy audits of water-related infrastructure to identify energy and water saving opportunities. (40 minutes)
- 2. Kosmas (FL)/
Driehaus (OH)** Would direct agencies under the interagency committee to assess the impact of natural disasters, such as floods, hurricanes, and tornadoes on water resources. (10 minutes)
- 3. Hastings, Doc
(WA)** Would add to the water research and development plan an assessment of potential water storage projects that would enhance water supply, water planning, and other beneficial uses. (10 minutes)
- 4. Cardoza (CA)** Would direct the Secretary of the Interior and the National Academy of Science to study the impact of changes to snow pack, including snow pack in the Sierra Nevadas, on water resources and its relation to water supply, including the Sacramento-San Joaquin Delta. (10 minutes)
- 5. Brown-Waite** Would require agencies included in the interagency (10 minutes)

- (FL) committee to work on improvement of understanding of water-intensive sectors of the economy and industrial needs for water.
6. Arcuri, Michael (NY) Would require the plan to include improvement of understanding of competing water supply uses and how different uses interact with and impact each other. (10 minutes)
7. Kirk (IL)/ Quigley, Mike (IL) Would add to the plan a direction that agencies included in the interagency committee work to achieve projection of the long-term ice cover and water level outlook for major water bodies in the United States, including the Great Lakes, the potential impacts of the results of such projections on infrastructure, and resource management options based on such projections. (10 minutes)
8. Teague, Harry (NM) Would require that the plan's analysis of the energy required to provide reliable water supplies and the water required for the production of alternative and renewable energy resources. (10 minutes)
9. Roskam (IL) Would require GAO to study whether any of the requirements of the underlying legislation are duplicative of existing programs. Prior to implementation of the bill, the President will, based upon the GAO report, determine whether the programs are duplicative or not. If the President differs in his determination from the GAO conclusions, he must offer a justification for his determination. The effective date is delayed until the President has made that determination. (10 minutes)
10. Blumenauer (OR) Would create a wastewater and stormwater reuse and recycling technology demonstration program within the Environmental Protection Agency. Under the program, the Assistant Administrator for Research and Development would develop and fund projects to demonstrate, evaluate, and test the techniques and technologies to reuse and recycle stormwater and wastewater at the building, site, neighborhood, and watershed scales for urban, industrial, agricultural, environmental, and recreational uses as well as to augment potable water supplies. (10 minutes)
11. Shadegg (AZ) Would require the interagency committee to identify and recommend against duplication of Federal water-related research, development, and technological innovation activities by more than one agency or program. It also would require the President to ensure that Federal agencies do not request appropriations for activities duplicated by state, local, and tribal governments. (10 minutes)

12. Moore, Gwen Would require the interagency committee to assess the (10 minutes)
(WI) role of Federal water research funding in helping to
develop the next generation of scientists and engineers at
institutions of higher education.

TEXT OF AMENDMENTS TO BE MADE IN ORDER UNDER THE RULE

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
GORDON, BART OF TENNESSEE, OR HIS
DESIGNEE, DEBATABLE FOR 40 MINUTES:

**AMENDMENT TO H.R. 1145, AS REPORTED
OFFERED BY MR. GORDON OF TENNESSEE**

Page 2, line 10, strike “use,” and insert “use, quality,”.

Page 2, beginning on line 12, strike “efficiency and conservation” and insert “efficiency, conservation, and measures to abate water quality impairment”.

Page 2, line 24, strike “supply,” and insert “supply and water quality,”.

Page 3, line 20, strike “with” and insert “with institutions of higher education,”.

Page 3, line 22, strike “and” and insert “water resources managers, commercial end users, and”.

Page 4, after line 6, insert the following (and redesignate subsequent provisions accordingly):

- 1 (F) provide guidance on outreach to insti-
- 2 tutions of higher education (as defined in sec-
- 3 tion 101(a) of the Higher Education Act of
- 4 1965 (20 U.S.C. 1001(a)) that are located in
- 5 an area affected by drought and encourage such

1 institutions to apply for funding opportunities
2 specified in the plan;

Page 5, line 13, strike “and others” and insert “public-private collaborations, commercial end users, and others”.

Page 5, line 16, strike “public” and insert “public, including through a publicly accessible website,”.

Page 7, line 10, strike “period” and insert “period as noticed on the Office’s website”.

Page 7, line 14, strike the period at the end and insert the following: “and revised and resubmitted every 4 years thereafter.”

Page 8, line 2, strike the period at the end and insert the following: “and technologies, including techniques and technologies that provide publicly generated data useful to water managers.”

Page 8, line 21, strike the period at the end and insert the following: “, including spatial and temporal variation in natural supply, watershed hydrology, human and ecological demand, and infrastructure.”

Page 9, after line 17, insert the following:

1 (15) Development of resources to investigate
2 the effects of invasive species on water supplies.

3 (16) Development of technologies and practices
4 to treat eutrophic water bodies, including rivers, es-
5 tuaries, and coastal waters.

6 (17) Development of tools to assist local water
7 resource managers in anticipating changing water
8 availability and use patterns in the preparation of a
9 strategic plan for sustainable future operations.

10 (18) Development of a program to offer tech-
11 nical and planning assistance to States, localities,
12 and regions that use or are planning to use land
13 conservation as a method to protect water quality,
14 as well as an analysis of the impact of land con-
15 servation on watershed hydrology.

16 (19) Improvement of understanding of the im-
17 pacts from chemical impairments, including contami-
18 nants of emerging concern, such as endocrine dis-
19 rupting compounds, pharmaceuticals, and personal
20 care products, on water supply and quality.

21 (20) Analyses of the Nation's water research
22 facilities and identification of whether a need exists
23 for additional facilities.

Page 10, after line 5, insert the following:

1 (c) EVALUATION.—Not later than 30 days after the
2 submission of the President's annual budget request to
3 Congress, the Director of the Office of Science and Tech-
4 nology Policy shall write a letter to Congress evaluating
5 the budget as it relates to Federal water research and the
6 success of the interagency committee in meeting the out-
7 comes listed in section 2(d).

Page 10, line 7, strike "The" and insert the fol-
lowing:

8 (a) IN GENERAL.—The

Page 10, after line 9, insert the following:

9 (b) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that the interagency committee should collaborate
11 with public institutions of higher education whenever pos-
12 sible.

Page 10, line 18, strike the period at the end and
insert the following: "and the indicators used to measure
such progress."

Page 12, after line 6, insert the following (and re-
designate subsequent provisions accordingly):

1 **SEC. 8. WATER RESOURCE RESEARCH INSTITUTES.**

2 (a) SUPPORT; COORDINATED PLAN.—Section 104(b)
3 of the Water Resources Research Act of 1984 (42 U.S.C.
4 10303) is amended—

5 (1) in paragraph (1), by striking “, and” at the
6 end and inserting a semicolon;

7 (2) in paragraph (2), by striking the period at
8 the end and inserting a semicolon; and

9 (3) by inserting after paragraph (2) the fol-
10 lowing:

11 “(3) support the goals of the National Water
12 Research and Development Initiative; and

13 “(4) submit to the interagency committee under
14 section 2(b) of the National Water Research and
15 Development Initiative Act of 2009 a single, coordi-
16 nated, annual report that identifies future water re-
17 search needs.”.

18 (b) TYPES OF RESEARCH AND DEVELOPMENT.—Sec-
19 tion 108 of such Act (42 U.S.C. 10307) is amended—

20 (1) in paragraph (9), by striking “and” after
21 the semicolon;

22 (2) in paragraph (10), by striking the period at
23 the end and inserting “; and”; and

24 (3) by adding at the end the following:

25 “(11) Technical research on prevention and re-
26 moval of contaminants of emerging concern, includ-

1 ing endocrine disrupting compounds, pharma-
2 ceuticals, and personal care products, in water re-
3 sources.”.

4 **SEC. 9. PILOT PROGRAM.**

5 The Administrator of the Environmental Protection
6 Agency shall establish a national pilot program exploring
7 the use of energy audits of water related infrastructure
8 to identify energy and water saving opportunities. As part
9 of the program, each participating entity shall receive an
10 Energy Star Benchmarking energy performance score to
11 provide an initial screening of that entity, as well as an
12 ongoing tracking measure to compare their energy per-
13 formance against similar entities nationwide.

Page 12, line 13, strike “and” after the semicolon.

Page 12, line 14, strike the period at the end and
insert a semicolon.

Page 12, after line 14, insert the following:

- 14 (4) \$2,000,000 for fiscal year 2013; and
15 (5) \$2,000,000 for fiscal year 2014.



2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Kosmas OF Florida, OR Her
DESIGNEE, DEBATABLE FOR 10 MINUTES:

**AMENDMENT TO H.R. 1145, AS REPORTED
OFFERED BY MS. KOSMAS OF FLORIDA**

At the end of section 2(d) of the bill, add the following (with the correct sequential provision designations [replacing numbers currently shown for such designations]):

- 1 (15) Assessment of the impacts of natural dis-
- 2 asters, including floods, hurricanes, and tornadoes,
- 3 on water resources.



3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Hastings, Doc OF Washington, OR HIS
DESIGNEE, DEBATABLE FOR 10 MINUTES:

**AMENDMENT TO H.R. 1145, AS REPORTED
OFFERED BY MR. HASTINGS OF WASHINGTON**

In section 2(d), add at the end the following new
paragraph:

- 1 (15) Assessment of potential water storage
- 2 projects that would enhance water supply, water
- 3 planning, and other beneficial uses.



4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Carloza OF California, OR HIS
DESIGNEE, DEBATABLE FOR 10 MINUTES;

Revised
#31

**AMENDMENT TO H.R. 1145, AS REPORTED
OFFERED BY MR. CARDOZA OF CALIFORNIA**

At the end of the bill, add the following new section:

1 SEC. 9. STUDY.

2 Not later than 90 days after the date of enactment
3 of this Act, the Secretary of the Interior shall enter into
4 an arrangement with the National Academy of Sciences
5 for a study on the impact of changes in snow pack, includ-
6 ing snow pack from the Sierra Nevada, on water resources
7 and its relation to water supply, including the Sac-
8 ramento-San Joaquin Delta.



5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Brown-Waite OF Florida, OR Her
DESIGNEE, DEBATABLE FOR 10 MINUTES:

**AMENDMENT TO H.R. 1145, AS REPORTED
OFFERED BY MS. GINNY BROWN-WAITE OF
FLORIDA**

At the end of section 2(d) of the bill, add the following (with the correct sequential provision designations [replacing numbers currently shown for such designations]):

- 1 (15) Improvement of understanding of water-in-
- 2 tensive sectors of the economy and industrial needs
- 3 for water.



6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Arceri OF New York, OR His
DESIGNEE, DEBATABLE FOR 10 MINUTES:

**AMENDMENT TO H.R. 1145, AS REPORTED
OFFERED BY MR. ARCURI OF NEW YORK**

At the end of section 2(d) of the bill, add the following (with the correct sequential provision designations [replacing numbers currently shown for such designations]):

- 1 (15) Improvement of understanding of com-
- 2 peting water supply uses and how different uses
- 3 interact with and impact each other.



7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Kirk, Mark OF Illinois, OR His
DESIGNEE, DEBATABLE FOR 10 MINUTES:

AMENDMENT TO H.R. 1145, AS REPORTED
OFFERED BY MR. KIRK OF ILLINOIS

At the end of section 2(d) of the bill, add the following (with the correct sequential provision designations [replacing numbers currently shown for such designations]):

- 1 (15) Projection of long-term ice cover and water
- 2 level outlook for major water bodies in the United
- 3 States, including the Great Lakes, the potential im-
- 4 pacts of the results of such projections on infra-
- 5 structure, and resource management options based
- 6 on such projections.



8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Teague OF New Mexico, OR HIS
DESIGNEE, DEBATABLE FOR 10 MINUTES:

Teague revised # 16

**AMENDMENT TO H.R. 1145, AS REPORTED
OFFERED BY MR. TEAGUE OF NEW MEXICO**

Page 8, line 25, strike the period at the end and insert the following: “, including analyses of the amount, proximity, and type of water required for the production of alternative and renewable energy resources.”



9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Roskam OF Illinois, OR His
DESIGNEE, DEBATABLE FOR 10 MINUTES:

**AMENDMENT TO H.R. 1145, AS REPORTED
OFFERED BY MR. ROSKAM OF ILLINOIS**

At the end of the bill, add the following new section:

1 SEC. 9. GAO STUDY AND EFFECTIVE DATE.

2 (a) STUDY.—The Government Accountability Office
3 shall conduct a study, and prepare a report, on whether
4 the requirements of this Act are duplicative of existing
5 programs that provide for water research, development,
6 demonstration, data collection and dissemination, edu-
7 cation, and technology transfer activities regarding
8 changes in water use, supply, and demand in the United
9 States, including an analysis of the State Water Resources
10 Research Institute Program (authorized by section 104 of
11 the Water Resources Research Act of 1984, and organized
12 as the National Institutes for Water Resources), the
13 United States Global Change Research Program, and sub-
14 title F of title IX of the Omnibus Public Land Manage-
15 ment Act of 2009 (Public Law 111–11).

16 (b) PRESIDENTIAL DETERMINATION.—

17 (1) IN GENERAL.—The President shall deter-
18 mine whether the contents of the report prepared
19 under subsection (a)—

1 (A) support the implementation of sections
2 1 through 8 of this Act; or

3 (B) support a conclusion that such sections
4 should not take effect.

5 (2) JUSTIFICATION.—If the President makes a
6 determination under paragraph (1) that differs from
7 the recommendations of the Government Account-
8 ability Office, the President shall provide a justifica-
9 tion for the difference.

10 (c) EFFECTIVE DATE.—Sections 1 through 8 of this
11 Act shall not take effect unless the President has made
12 an affirmative determination under subsection (b)(1)(A).



10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Blumenauer OF Oregon, OR His
DESIGNEE, DEBATABLE FOR 10 MINUTES:

**AMENDMENT TO H.R. 1145, AS REPORTED
OFFERED BY MR. BLUMENAUER OF OREGON**

Insert after section 7 the following (and redesignate subsequent provisions accordingly):

**1 SEC. 8. WASTEWATER AND STORMWATER REUSE TECH-
2 NOLOGY DEMONSTRATION PROGRAM.**

3 (a) IN GENERAL.—In consultation with the inter-
4 agency committee, the Assistant Administrator for Re-
5 search and Development at the Environmental Protection
6 Agency shall establish a wastewater and stormwater reuse
7 and recycling technology demonstration program, con-
8 sistent with section 2(d)(3).

9 (b) ACTIVITIES.—Under the program established in
10 subsection (a), the Assistant Administrator shall develop
11 and fund projects to demonstrate, evaluate, and test the
12 techniques and technologies to reuse and recycle
13 stormwater and wastewater at the building, site, neighbor-
14 hood, and watershed scales for urban, industrial, agricul-
15 tural, environmental, and recreational uses as well as to
16 augment potable water supplies.



11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Shadegg OF Arizona, OR His
DESIGNED DEBATABLE FOR 10 MINUTES:

**AMENDMENT TO H.R. 1145, AS REPORTED
OFFERED BY MR. SHADEGG OF ARIZONA**

Page 3, after line 17, insert the following (and correct sequential provision designations accordingly):

1 (D) identify Federal water-related re-
2 search, development, and technological innova-
3 tion activities that are duplicated by more than
4 one Federal agency or program and make rec-
5 ommendations to the President on how to avoid
6 such duplication;

Page 6, line 22, insert the following (and correct sequential provision designations accordingly):

7 (C) identify Federal water-related re-
8 search, development, and technological innova-
9 tion activities that are duplicative of such ac-
10 tivities occurring at the State, local, and tribal
11 government level;

Page 10, after line 5, insert the following:

12 (c) **ELIMINATION OF DUPLICATIVE EFFORTS.**—The
13 President, in carrying out the activities under subsections
14 (a) and (b), shall ensure that each Federal agency partici-

- 1 pating in the Initiative shall not request appropriations
- 2 for activities identified under section 2(c)(2)(C).



12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Moore OF Wisconsin, OR Her
DESIGNEE, DEBATABLE FOR 10 MINUTES:

**AMENDMENT TO H.R. 1145, AS REPORTED
OFFERED BY MS. MOORE OF WISCONSIN**

Page 4, line 11, strike "and".

Page 4, line 24, strike the period at the end and insert "; and".

Page 4, after line 24, insert the following:

- 1 (H) assess the role of Federal water re-
- 2 search funding in helping to develop the next
- 3 generation of scientists and engineers at institu-
- 4 tions of higher education.

